

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ADAM FRIED, ADMINISTRATOR,)	CASE NO.: 1:22-CV-00061
ESTATE OF DESMOND FRANKLIN,)	
)	JUDGE DAN AARON POLSTER
Plaintiff,)	
)	
vs.)	
)	
JOSE GARCIA,)	
)	
Defendant.)	

**NOTICE OF DEPOSITION DUCES TECUM
OF PLAINTIFF'S EXPERT DAVID E. BALASH**

Please take notice that pursuant to Rules 26, 30, and 34 of the Federal Rules of Civil Procedure, Defendant, Jose Garcia, by and through counsel, will take the deposition of Plaintiff's expert witness, David E. Balash, on Wednesday, November 15th, 2023 at 09:00 a.m. Eastern Standard Time, via Zoom video conference (link to be provided).

The oral examination will be taken before a notary public, will be recorded via stenographic means, will continue from day to day until completed, and may be used at the trial of the above action.

DUCES TECUM TO DAVID E. BALASH

The deponent is requested to produce the following at the time of the deposition:

1. A copy of your current curriculum vitae;
2. A copy of any and all publications that you have authored that are related to the issues in this case;

3. A copy of all literature, publications, studies or authorities that you are relying upon to form a basis of any of your opinions in this case; if said literature is voluminous, a copy of all pertinent excerpts from literature, publications, studies or authorities on which you relied in forming your opinions;
4. All data, including subsets of data, used to form a basis of your opinions in this case;
5. A copy of all materials which you have reviewed from the captioned case including, but limited to, any and all documents, records, depositions, films and/or reports;
6. Any and all summaries which you have received from any person regarding any records, depositions or other materials in the captioned case;
7. A copy of any and all billing statements and/or time logs made/kept in regards to this case;
8. All correspondence to/from counsel in this case, to the extent that the communications relate to compensation for your study or testimony, identify facts or data that Plaintiff's counsel provided and that you considered in forming the opinions to be expressed, or identify assumptions that Plaintiff's counsel provided and that you relied on in forming the opinions to be expressed;
9. A list of all cases in which you have been retained as an expert, including but not limited to, the name and location where the lawsuit was filed, the names of the parties involved, and the names, addresses and telephone numbers of the attorneys involved; and
10. A complete copy of your file in this case.
11. All documents, photographs, notes, statements, exhibits, notes inspection notes, data compilation, reports, diagrams, literature, recordings, or other materials that you prepared or reviewed—or that relate to or concern any work, investigation, analysis, evaluation or opinion rendered or performed by you and/or any person assisting you—in connection with the incident that is the subject of the captioned case.

Respectfully submitted,

MARK D. GRIFFIN (0064141)
Director of Law

By: /s/ Affan Ali
Elena N. Boop (0072907)
Chief Trial Counsel
James R. Russell, Jr. (0075499)
Chief Assistant Director of Law
Affan Ali (0085698)
Assistant Director of Law
City of Cleveland, Department of Law
601 Lakeside Avenue, Room 106
Cleveland, Ohio 44114-1077
Tel: (216) 664-2800
Email: EBoop@clevelandohio.gov
JRussell2@clevelandohio.gov
Aali2@clevelandohio.gov
Attorneys for Jose Garcia

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was filed electronically on November 7th, 2023, and served upon the parties herein via the court's electronic filing system.

/s/ Affan Ali
*One of the Attorneys for
Jose Garcia*